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Before the
Federal Communications Commission
Washington, D.C. 20554


In the Matter of)	
)	
Indiana Utility Regulatory Commission's)	
Petition for Additional Delegated Authority)	NSD File No. L-01-273
To Implement Number Conservation)	
Measures)	
)	
Implementation of the Local Competition)	
Provisions of the Telecommunications)	CC Docket No. 96-98 ✓
Act of 1996)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200

Motion for Leave to File Belated Reply Comments.

Comes now the Indiana Utility Regulatory Commission ("IURC") and respectfully requests the Federal Communications Commission for leave to file a belated reply to the comments filed by various parties in this cause. In support of this petition, the IURC alleges that the IURC staff member monitoring this cause was serving on the National Association of Regulatory Utility Commissioners' staff subcommittee on telecommunications from February 22 through the 28. Further, the Commission alleges that after receiving the Reply Comments of the Public Service Commission of West Virginia, the IURC found that the comments of the various responding parties requires a reply. The IURC, in great part, adopts the reply of the Public Service Commission of West Virginia as set forth more fully in the attached Reply Comments of the Indiana Utility Regulatory Commission.

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WHEREFORE, the IURC respectfully requests that this Commission grant it leave to file the belated reply to the comments of the responding parties to this cause.

By: 
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**REPLY COMMENTS
OF THE
INDIANA UTILITY REGULATORY COMMISSION**

With leave to file this belated reply, the Indiana Utility Regulatory Commission ("IURC") submits these comments in reply to the comments submitted by Sprint PCS ("Sprint"), the United States Telecom Association ("USTA") and SBC Communications, Inc. ("SBC") in the present cause (collectively "Responding Parties").

On October 21, 1999, the IURC filed a petition for delegated authority to implement a variety of number conservation measures. Prior to acting on the IURC's petition, the Commission adopted its Numbering Resource Optimization Order ("NRO 1st Order").¹ In that order the Commission identified the criteria it uses when reviewing state commission requests for authority to implement thousand-block number pooling ("NRO Criteria"). The NRO Criteria ensures:

¹ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, (rel. March 31, 2000).

1. that the NPA is in jeopardy;
2. that the NPA in question has a remaining life span of at least one year; and
3. that the NPA is in one of the largest 100 Metropolitan Statistical Areas (MSAs) or alternatively, the majority of wire line carriers in the NPA are Local Number Portability (“LNP”) capable.

On July 20, 2000, the Commission granted the IURC delegated authority to implement some of the requested number conservation measures (“Delegated Authority Order”).² The Commission did not grant the IURC the authority to implement mandatory thousand-block number pooling because the IURC failed to amend its petition to comply with the NRO 1st Order. On September 20, 2000 and October 11, 2000, the IURC supplemented its petition and requested additional delegated authority to implement thousand-block number pooling in the 317 and 219 NPAs.

I. ADOPTION OF THE REPLY COMMENTS OF THE
PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

The IURC adopts the Reply Comments of the Public Service Commission of West Virginia (“WVPSC”) as if fully set forth herein. In the interest of economy, the IURC concurs with the position of the WVPSC, and to the extent possible and practicable adopts the position and arguments of the WVPSC. In such cases where, due to factual differences, the IURC is unable to adopt in full the position of the WVPSC, the position of the IURC is set forth below.

² *Numbering Resource Optimization*, Order, DA 00-1616 (rel. July 20, 2000).

II. ARGUMENT

A. RECONSIDERATION OF THE COMMISSION'S MARCH 31, 2000 ORDER IMPLEMENTING A INTERIM NUMBER POOLING PLAN FOR REQUESTING STATES.

With respect to Sprint's and USTA's argument seeking reconsideration of the Commission's March 31, 2000 Order, the IURC concurs with the WVPSC. Sprint and USTA failed to carry their burden in requesting the Commission to revisit its March 31, 2000 order. Further, the parties failed to raise the issue to the attention of the Commission within the time allotted in the governing procedural rules. *See* 47 C.F.R. § 1.106(f). The Commission's decision to delegate to states, after showing cause, authority for number pooling is proper and cures the immediate needs of the states while allowing the Commission to implement and develop a nationwide pooling system.

In a related argument, SBC contends that states should not be delegated authority to implement number pooling, rather the Commission should delay granting any such relief until the rollout of the national program. Specifically, SBC alleges that state commissions will be unable to effectively develop cost recover mechanisms.

The Commission has in its Second Report and Order and Notice of Further Proposed Rulemaking³ ("2nd Order") articulated a framework for the national plan. Further the 1st NRO Order directs states to carryout certain testing procedures, consistent with those procedures set forth in the 2nd NRO Order. Thus, the IURC contends that any grant of delegated authority would merely allow a state to implement those procedures, including cost recover plans, which may be anticipated from this Commission's order and accelerate the rollout of any future national number pooling plan.

³ *Second Report and Order and Notice of Further Proposed Rulemaking*, CC Docket Nos. 99-200, 96-98 (Rel. Dec. 29, 2000).

B. THE 219 AND 317 NPA HAVE MORE THAN ONE YEAR OF LIFE AND
THEREFORE ARE PROPER CANDIDATES FOR NUMBER POOLING .

The IURC again concurs with the WVPSC's reply that number pooling applies to those NPAs that are LNP capable as well as those that are in the largest 100 MSAs. Thus, both the 317 NPA (one of the top 100 MSAs) and the 219 NPA (an NPA which has shown LNP capability in 90% of rate centers) are ripe for number pooling.

Sprint contends that life of the 219 NPA will end in January 2002. Sprint and other parties making this contention, are misleading this Commission on the expected life of the 219 NPA as well as the application of this Commission's orders. The May 23, 2000 Central Office Code Utilization Survey ("COCUS") indicates that the 219 NPA has an expected life of two years – an expiration date of no sooner than May of 2003.⁴ Further, due to numerous actions by both this Commission and the IURC, the life of the 219 NPA may be extended well beyond the May 2000 date.

C. THE 317 AND 219 NPA MEET THE NRO CRITERIA

The 219 and 317 NPAs meet the NRO criteria. As previously stated the 219 NPA has more than a year of life – it has two years of life. No commenting party has disputed that the 219 NPA is currently in jeopardy. Finally, the 219 NPA is largely served by Long Term Number Portability capable wireline carriers.⁵ The 317 NPA is located in one of the largest MSAs and according to COCUS is not projected to exhaust until the 4th quarter of 2002. While the 317 NPA is not currently in jeopardy, the IURC has recently received a petition from the NANPA requesting area code relief for


⁴ A number of events have taken place since COCUS that suggests that the 219 NPA may exceed its original life; 1) twenty-five NXX codes in the 219 NPA have been returned to the NANPA as a result of the number conservation measures adopted by this Commission becoming effective; 2) since the implementation of rationing procedures in the 219 NPA, carriers have requested less than the maximum of the three NXX codes; and 3) last summer the Commission granted the IURC additional delegated authority to address carriers' requests for NXX codes outside the rationing process. Since that time, the IURC has not received a request from a carrier for numbering resources outside the rationing procedures in the 219 NPA.

⁵ See IURC Second Supplement to Petition for Delegated Authority at p. 2.

this NPA. The suggestion by the NANPA that the 317 is in need of area code relief supports the IURC contention that the 317 NPA could benefit from thousand-block number pooling.

III. Conclusion

For all of the foregoing reasons, the IURC urges the Commission to expeditiously grant additional delegated authority to the IURC to implement mandatory thousand-block number pooling in the 219 and 317 NPAs.⁶

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⁶ The IURC would note that the Indiana office of Utility Consumer Counselor supports the IURC's petition for thousand-block number pooling as a viable approach to number conservation .

Certificate of Service

I, Michael T. Batt, do hereby certify that on this 7th day of March, 2001, a copy of the foregoing "Motion for Leave to File Belated Reply Comments," was served by U.S. first-class mail, postage prepaid to the parties listed below:

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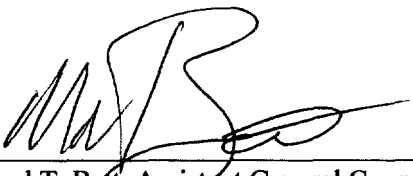
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